

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

| | | |
|---|---|----------------------------|
| W.A. DREW EDMONDSON, in his capacity as |) | |
| ATTORNEY GENERAL OF THE STATE OF |) | |
| OKLAHOMA, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Case No. 05-CV-329-TCK-SAJ |
| |) | |
| TYSON FOODS, INC., et al., |) | |
| |) | |
| Defendants, |) | |
| |) | |
| TYSON FOODS, INC., et al., |) | |
| |) | |
| Third-Party Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | |
| CITY OF TAHLEQUAH, et al., |) | |
| |) | |
| Third-Party Defendants. |) | |

**UNOPPOSED MOTION BY ADDITIONAL MEMBERS OF THE BERRY GROUP
FOR ENLARGEMENT OF TIME TO RESPOND TO THIRD-PARTY COMPLAINT**

Pursuant to Fed.R.Civ.P. 7(b) and Local Civil Rule 7.1(g), the Third-Party Defendants who are identified herein, additional members of a group of Third-Party Defendants who are being collectively referred to as “The Berry Group,” request that this Court issue an Order granting them an enlargement of time during which they must respond to the Third-Party Complaint (Dkt. #80).

1. This motion is filed on behalf of the following Third-Party Defendants:

| <u>3rd Party Def. #</u> | <u>Third-Party Defendant</u> |
|---|-------------------------------------|
| 62 | Arrowhead Camp, Inc. |
| 84 | Caviness, Ladonna Eddings |
| 66 | Davis, Billie |
| 66 | Davis, Veramin |
| 82 | Eddings, Elmo |
| 85 | Eddings, Thomas E. |

| | |
|-----|---|
| 56 | Flintridge Park, LLC |
| 60 | Grande Villa, Inc. |
| 53 | John T. Posey, Jr. Trust, individually and d/b/a Meadow Park RV Park |
| 123 | Jones, Erin |
| 123 | Jones, James Thomas |
| 87 | Kile, Bonnie Eddings |
| 83 | Long, Charlene Eddings |
| 59 | Posey, John T., Jr. |
| 86 | Shankle, Sue Eddings |
| 109 | Simpson, Billy Simpson, individually and d/b/a Simpson Dairy |
| 93 | Smith, Robert A., Trustee of The Robert A. Smith Trust |
| 93 | Smith, Sylvia S., Trustee of The Robert A. Smith Trust |
| 67 | Snake Creek Wilderness Development, Inc. |
| 63 | Spears, Brenda |
| 63 | Spears, David |
| 64 | Thunderbird Resort, Inc. |
| 21 | Watts, Helen, Trustee of The Helen Watts Revocable Trust |
| 22 | Watts, Simp, Trustee of The Simp Watts Revocable Trust |

2. Some of the forgoing members of The Berry Group of Third-Party Defendants were served on or about March 18, 2006, and their response deadline has expired. Nonetheless, Third-Party Plaintiffs have agreed that these additional members of The Berry Group may have until May 8, 2006, if necessary, to respond to the Third-Party Complaint.

3. In the interest of coordination and efficiency among all parties and judicial economy, current members of The Berry Group request that the deadline for them to respond to Third-Party Complaint be extended until May 8, 2006.

4. This is the first request for an extension of time sought by these members of The Berry Group, and it is sought in good faith and not for the purpose of delay. Counsel for The Berry Group need additional time within which to complete their review and investigation of Third-Party Plaintiffs' claims, to confer with client representatives, and to prepare and file appropriate responses.

Members of the Berry Group reserve all defenses, including any deficiencies in the service of process.

5. This action is not presently set for trial and therefore granting this Motion will not delay or adversely affect any trial date.

WHEREFORE, the above named members of The Berry Group of Third-Party Defendants request that this Court allow them until May 8, 2006 to file their responsive pleadings to the Third-Party Complaint.

Respectfully submitted,

s/R. Jack Freeman

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CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2006, I electronically transmitted a copy of this Appearance to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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Linda C. Martin
Archer Scott McDaniel
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J. Stephen Neas
George W. Owens
David Phillip Page

W. A. Drew Edmondson
Delmar R. Ehrich
John R. Elrod
Bruce Wayne Freeman
Ronnie Jack Freeman
Richard T. Garren
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Robert W. George
Tony M. Graham
James Martin Graves
Thomas James Grever
Jennifer Stockton Griffin
John Trevor Hammons
Michael Todd Hembree
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Timothy K. Webster
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I hereby certify that on April 21, 2006, I served the same document by U.S. Postal Service
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